

Prob 12
(Rev. 3/88)

**UNITED STATES DISTRICT COURT
For The
WESTERN DISTRICT OF PENNSYLVANIA**

U.S.A. vs. Edward O. Burkhart

Docket No. 04-000046-001 Erie

Petition on Supervised Release

COMES NOW Theodore W. Johnson, CHIEF PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Edward O. Burkhart, who was placed on supervision by the Honorable Sean J. McLaughlin sitting in the Court at Erie, on the 15th day of October 2004, who fixed the period of supervision at 24 months and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

- The defendant shall not associate with children under the age of 18, except in the presence of a responsible adult who is aware of the nature of the defendant's background and current offense and who has been approved by the probation officer.

Original conditions of supervision imposed by U.S. District Judge Ted Stewart sitting in the court at Salt Lake City, Utah, on September 19, 2001:

- The defendant shall register with the state sex offender registration agency in any state where the defendant shall reside, is employed, carries on a vocation, or is a student, as directed by the probation officer.
- The defendant shall participate in a mental health and/or sex offender treatment program under a co-payment plan, as directed by the probation officer.
- The defendant is restricted from visitation with individuals who are under 18 years of age without adult supervision, as approved by the probation officer.
- The defendant shall not possess or use a computer with access to any online computer service without the prior written approval of the court. This includes any Internet service provider, bulletin board system, or any other public or private computer network. Any approval by the court shall be subject to the conditions set by the court or the probation officer. In addition, the defendant shall (A) not possess or use any public or private data encryption technique or program and (B) consent to having installed on his computer(s) any hardware or software systems to monitor his computer usage.
- The defendant shall submit his person, residence, office, or vehicle to a search conducted by a United States probation officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release.
- Should the defendant become employed, he shall abide by the following occupational restrictions: Any employment shall be approved by the probation officer. In addition, if third-party risks are identified, the probation officer is authorized to inform the defendant's employer of his supervision status.
- The defendant shall pay a special assessment of \$100 and a fine of \$5,000.

09-19-01: Travel With Intent to Engage in Sexual Act With a Juvenile; Original sentence, Judge Stewart, Salt Lake City, Utah; 30 months' custody of the Bureau of Prisons and 3 years' supervised release.

01-28-03: Jurisdiction transferred from the District of Utah (Salt Lake City) to the Western District of Pennsylvania (Erie).

04-27-03: Released from imprisonment; Supervision begins.

10-15-04: Violation hearing Judge McLaughlin; Supervision revoked and sentenced to 12 months' custody of the Bureau of Prisons and 24 months' supervised release.

09-27-05: Released to supervision; Currently supervised by U.S. Probation Officer Matthew L. Rea.

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RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:

- The defendant shall not possess or use a computer with access to any online computer service without the prior written approval of the court. This includes any Internet service provider, bulletin board system, or any other public or private computer network. Any approval by the court shall be subject to the conditions set by the court or the probation officer. In addition, the defendant shall (A) not possess or use any public or private data encryption technique or program and (B) consent to having installed on his computer(s) any hardware or software systems to monitor his computer usage.

Your Petitioner reports that on February 2, 2006, the defendant admitted to this officer that he is lured into illicit fantasies of minors when he is watching pornography. On February 16, 2006, the defendant admitted to this officer that during different occasions in January 2006, he was searching and viewing adult and child pornography on a computer that was connected to the Internet. The defendant provided this officer with passwords and or screen names. He also admitted to using search engines in an effort to find Web sites that contained pictures of "child models." The Probation Office was informed on February 17, 2006, by the Erie County District Attorney's office that "child models" is a commonly used search term to obtain overseas child pornography.

PRAYING THAT THE COURT WILL ORDER a bench warrant be issued for the arrest of the supervised releasee for an alleged violation of supervision and that he be detained pending a hearing to show cause why supervision should not be revoked.

I declare under penalty of perjury that the foregoing is true and correct.

Executed
 on February 17, 2006

ORDER OF COURT

Considered and ordered this 17th day of February, 2006 and ordered filed and made a part of the records in the above case.

Richard M. English
 U.S. District Judge

Matthew L. Rea
 Matthew L. Rea
 U.S. Probation Officer

Gerald R. Bubon
 Gerald R. Bubon
 Supervising U.S. Probation Officer

Place: Erie, PA